

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	3 November 2016
<b>Title:</b>	Household Waste Recycling Centre Opening Hours
<b>Reference:</b>	7847
<b>Report From:</b>	Director of Economy, Transport and Environment

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### **1. Executive Summary**

- 1.1. The purpose of this paper is to seek approval to re-programme the implementation of the reduction in the HWRC Opening hours and the day closure until 1 October 2017 to allow time to resolve the uncertainty created by the recent government intervention regarding the charging regimes being, or that have been, introduced by Local Authorities across the country.
- 1.2. The paper also suggests that if the date for implementing the reduced opening hours is delayed as a result of recent Government action, it will in fact also allow a greater opportunity for monitoring the impacts of the recent introduction of charges for non-household and trade wastes. The collection and analysis of data over a longer period under the existing opening hours will better establish the potential pattern of demand and the impact of accepting trade wastes at HWRCs, before introducing further service changes.
- 1.3. This paper seeks to set out:
  - the context in which this decision is being made
  - the operational considerations leading to it, and
  - the financial implication of it.

## 2. Contextual information

- 2.1. On 22 July 2016 the Executive Member for Environment and Transport approved the decisions set out in the HWRC Service Efficiencies paper<sup>1</sup> which included the decisions to:
  - Reduce the daily opening hours by 2 hours per day and to close all sites on a Thursday from 1 January 2017
  - Commence the previously approved charging regime for non-household and trade wastes from 1 October 2016
- 2.2. These decisions were recommended in the context of needing to achieve operational savings as part of the Council's Transformation to 2017 programme but also in light of the overwhelming steer from residents through the public consultation<sup>2</sup> held from 16 March 2016 to 25 May 2016 on the HWRC service to keep all 24 HWRCs open.
- 2.3. On 1<sup>st</sup> October 2016, Hampshire County Council and its partners, Southampton and Portsmouth City Councils, duly introduced these new charging schemes for non-household wastes and trade wastes.
- 2.4. On 10<sup>th</sup> October 2016 the Government issued a press statement challenging the veracity and legality of Local Authorities charging for DIY wastes<sup>3</sup>. The Government claimed that whilst it accepted that councils can charge for construction and demolition waste at HWRCs it cast doubt on the inclusion of so called DIY wastes. It contended that DIY waste generated by householders should be classified as household waste and therefore disposed of without a charge.
- 2.5. There is currently no legal definition of "DIY" wastes. Historically the County Council, and other waste disposal authorities have regarded such materials as construction and demolition waste. The recent Government press statements question whether DIY wastes should in fact be considered to be household waste, arising in the usual course of residing in a dwelling, meaning it would not be lawful to charge for disposal.
- 2.6. The County Council is also currently prohibited from charging for access to its HWRCs following legislation introduced in March 2015<sup>4</sup>.

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[http://www3.hants.gov.uk/councilmeetings/advsearchmeetings/meetingsitemdocuments.htm?sta=&pref=Y&item\\_ID=7534&tab=2&co=&confidential=](http://www3.hants.gov.uk/councilmeetings/advsearchmeetings/meetingsitemdocuments.htm?sta=&pref=Y&item_ID=7534&tab=2&co=&confidential=)

<sup>2</sup> <https://www3.hants.gov.uk/hwrc2016>

<sup>3</sup> <http://www.letsrecycle.com/news/latest-news/dclg-and-councils-at-odds-over-diy-waste/>

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397527/Preventing\\_backdoor\\_charging\\_at\\_household\\_waste\\_recycling\\_centres.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397527/Preventing_backdoor_charging_at_household_waste_recycling_centres.pdf)

- 2.7. A further decision<sup>5</sup> was taken on 12 October 2016 regarding the development of a Fly Tipping Strategy, to form a new multi-stakeholder approach to tackle this illegal activity, which was a significant concern to residents responding to the public consultation referred to in 2.2. This strategy needs to be progressed over the coming months.
- 2.8. It is felt that the change in policy to accept commercial waste at the HWRCs from October 1<sup>st</sup> 2016 will complement this work on Fly tipping reduction. It is important to fully understand the pattern of commercial waste disposal at HWRCs alongside the Fly-tipping Strategy approach. Therefore there is a significant additional benefit in re-programming the implementation of the reduced opening hours and Thursday closing to allow a greater period of monitoring, including the Spring and Summer peaks, under existing opening hours.

### **3. Implementation considerations**

- 3.1. A number of factors have led the County Council to review the proposed timetable for implementation of the revised opening hours, including:
- Understanding the potential implication of the Government's recent questioning of Local Authority charges at HWRCs for wastes arising from "DIY" projects.
  - The need to understand the full impact of the new charging regime for non-household and trade waste, introduced on 1st October, on site operations;
  - The need to fully understand the effect that accepting trade waste at HWRCs has on the levels of fly-tipping across the county.
- 3.2. The County Council's current view, and that of a number of Local Authorities across the country, is that the charges (that were introduced in Hampshire on 1 October 2016) are for materials (soils, rubble, plasterboard, asbestos) that are non-household wastes and therefore are not required to be accepted as wastes at a household waste recycling centre.
- 3.3. The new charges are being levied in an effort to continue providing residents with a convenient disposal option for these material streams but one that is affordable whilst not requiring the Council Tax payer to fully fund disposal costs.
- 3.4. The full impact of these charging schemes on customer and waste flows through the HWRC network will not be known for some time, as historically inputs to the HWRCs decline during the winter months. Working with the contractor, it is now considered that a further operating window beyond the

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[http://www3.hants.gov.uk/councilmeetings/advsearchmeetings/meetingsitemsummary.htm?pref=Y&tab=1&item\\_ID=7822&cancel=n](http://www3.hants.gov.uk/councilmeetings/advsearchmeetings/meetingsitemsummary.htm?pref=Y&tab=1&item_ID=7822&cancel=n)

initial three month bedding in period would be helpful to fully understand the consequences of these measures, including the annual peak period of Easter and the May Bank Holidays.

- 3.5. Were the Government to legislate or change guidance so that it meant that wastes arising from a DIY project were now to be re-classified as household waste, then the current charging regime for non-household wastes would need to be revisited and alternative methods of achieving the required operational savings would have to be considered.
- 3.6. At present the prospect of closing HWRCs has been avoided by introducing the charges for non-household waste, admitting trade waste on a charged for basis, and the proposed reduction in opening hours. Were any element of this strategic approach to be removed, the options for achieving the necessary operational savings would mean that a programme of site closures would need to be reconsidered, alongside any other potential cost reductions or income generating measures.
- 3.7. In the event of a closure programme, the operation of the remaining sites would need to be reviewed with the likely potential that the opening hours at the remaining sites would need to be expanded and the service would need to be provided on a 7 day per week basis in order to maximise the availability of the service to residents.
- 3.8. Given the current confusion precipitated by the Government's intervention and the uncertainty now surrounding future waste definitions, it is deemed prudent to re-programme the implementation of the proposed opening hour reductions (including the Thursday closures) to allow time for clarity on the future of the HWRC service.
- 3.9. A further consideration is one of the key concerns identified by residents in their responses to the consultation referred to in 2.2. This was the view that further restrictions to the HWRC service would lead to an increase in fly tipping.
- 3.10. The County Council is working with partners to develop a strategy to reduce fly tipping across the county through a number of initiatives such as educating residents on their duty of care responsibilities in hiring waste contractors; educating contractors on their responsibilities and ultimately developing an effective enforcement process.
- 3.11. Whilst it is unlikely that residents of Hampshire would knowingly participate in such criminal activity, they may unwittingly do so if they hired an unlicensed contractor to dispose of their waste on their behalf. The minimisation of this potential, through the creation of greater awareness of residents' responsibilities is one of the cornerstones of the approach to developing and delivering the Fly-tipping strategy.
- 3.12. The acceptance of, and charging for, trade waste is part of the Fly-tipping strategy in that it provides small traders with an affordable disposal option.

Whether this option will be viable should other charging regimes be deemed un-lawful would also need to be reviewed.

#### **4. Finance**

- 4.1. The budget savings to be made from the introduction of the opening hour changes and day closures were necessary by April 2017. However, a six month delay in the delivery of these savings can be cash flowed from the early achievement of other departmental savings and existing department resources.
- 4.2. However, these savings will need to be made along with those associated with the income from the new charging regimes, which is offsetting the disposal costs of non-household wastes.
- 4.3. Were the charging regimes deemed to be un-lawful by Government then alternative options will need to be considered. These options will by necessity need to include a programme of site closures in order to balance the services budget.

#### **5. Recommendation**

- 5.1. That the implementation of the reduction in Household Waste Recycling Centre opening hours and the Thursday closing, scheduled for 1 January 2017, approved at the Executive Member for Environment and Transport's decision day on 22 July 2016, be re-programmed for implementation by 1 October 2017.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	No
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	No
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	Yes
Corporate Improvement plan link number (if appropriate):	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Household Waste Recycling Centre Service Efficiencies Implementation	7534	22 July 2016
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>		<u>Date</u>
Environmental Protection Act		1990
Local Authorities (Prohibition of Charging Residents to Deposit Household Waste) Order		2015

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

When the original decision to implement the opening hours changes was considered the equalities impact was determined to be low and therefore the decision to delay is the same. The impact is low as it does not adversely affect any of the groups with protected characteristics or those additional policy considerations listed. However there may be a slightly positive impact in terms of rurality as by not reducing the hours at sites it offers a wider time window for the public who may live further away from sites to access them.

### **2. Impact on Crime and Disorder:**

2.1. There are no anticipated negative impacts as a result of the proposed decision.

### **3. Climate Change:**

3.1. How does what is being proposed impact on our carbon footprint / energy consumption?

No overall impact (positive or negative) is expected on the County Council's carbon footprint / energy consumption.

- 3.2. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The recommendations in this report do not impact upon the ability of the County Council to adapt to climate change..